

**House File 586 - Introduced**

HOUSE FILE 586

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 440)

**A BILL FOR**

1 An Act relating to animal feeding operations, by providing  
2 for information contained in public records, the use of  
3 vehicles or tank wagons used in the application of manure,  
4 biosecurity requirements, and county documents.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I  
PUBLIC RECORDS INDICATING NONCOMPLIANCE  
WITH MANURE MANAGEMENT PLANS

Section 1. Section 459.302, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If the department prepares a public record regarding a person's failure to comply with the requirements for filing a manure management plan under section 459.312, the department shall indicate whether it has determined that such noncompliance was due to an obvious mistake or oversight. The indication does not preclude the department from later changing its determination.

DIVISION II  
CERTIFIED MANURE APPLICATORS

Sec. 2. NEW SECTION. 459.316 **Vehicles operated by certified commercial manure services or commercial manure service representatives — identification.**

The department may require that a vehicle or tank used by a certified commercial manure service or certified commercial manure service representative transporting manure on a public road display a certification number as assigned by the department to the certified commercial manure service. However, the department shall not require that the vehicle display other information identifying the certified commercial manure service or the certified commercial manure service representative.

DIVISION III  
BIOSECURITY

Sec. 3. Section 459.207, subsection 3, paragraph b, Code 2015, is amended to read as follows:

b. (1) Any air quality standard established by the department for animal feeding operations shall be based on and enforced at distances measured from a confinement feeding operation structure to a separated location. In providing for the enforcement of the standards, the department shall take

1 all initial measurements at the separated location. If the  
2 department determines that a violation of the standards exists,  
3 the department may conduct an investigation to trace the source  
4 of the airborne pollutant.

5 (2) This section does not prohibit the department from  
6 entering the premises of an animal feeding operation in  
7 compliance with section 455B.103.

8 (3) (a) ~~The department~~ In addition to complying with  
9 section 455B.103, a person who is a departmental official,  
10 an agent of the department, or a person accompanying the  
11 departmental official shall also comply with standard  
12 biosecurity requirements customarily required by the animal  
13 feeding operation which are necessary in order to control the  
14 spread of disease among an animal population. If the owner  
15 or manager of the animal feeding operation alleges that the  
16 person is failing to comply with the standard biosecurity  
17 requirements, the person must leave the animal feeding  
18 operation at the request of the owner or manager.

19 (b) Subparagraph division (a) does not apply if the  
20 department obtains a search warrant issued by a district court  
21 as provided in section 455B.103 that allows a departmental  
22 official to enter onto or remain on the premises of the animal  
23 feeding operation in compliance with standard biosecurity  
24 requirements as particularly described in the warrant.

25 Sec. 4. Section 459.304, subsection 6, Code 2015, is amended  
26 to read as follows:

27 6. a. The department may conduct an inspection of the site  
28 on which the construction is proposed after providing at a  
29 minimum twenty-four hours' notice or upon receiving consent  
30 from the construction permit applicant. The county board  
31 of supervisors that has adopted a construction evaluation  
32 resolution may designate a county employee to accompany a  
33 departmental official during the site inspection. The county  
34 employee shall have the same right to access to the site's real  
35 estate as the departmental official conducting the inspection

1 during the period that the county employee accompanies the  
2 departmental official.

3 b. The departmental official and the county employee shall  
4 comply with standard biosecurity requirements customarily  
5 required by the confinement feeding operation that are  
6 necessary in order to control the spread of disease among an  
7 animal population. If the owner or manager of the animal  
8 feeding operation alleges that the departmental official  
9 or county employee is failing to comply with the standard  
10 biosecurity requirements and that failure threatens an animal  
11 population, the departmental official and county employee must  
12 leave the site on which the construction is proposed at the  
13 request of the owner or manager. The department shall proceed  
14 with evaluating those parts of the construction application  
15 that do not require an inspection until the matter is resolved.

16 Sec. 5. Section 459.601, subsection 3, Code 2015, is amended  
17 to read as follows:

18 3. a. When entering the premises of an animal feeding  
19 operation, a person who is a departmental official, an agent  
20 of the department, or a person accompanying the departmental  
21 official or agent shall comply with section 455B.103.

22 b. (1) The In addition to complying with section 455B.103,  
23 a person described in paragraph "a" shall also comply with  
24 standard biosecurity requirements customarily required by  
25 the animal feeding operation which are necessary in order to  
26 control the spread of disease among an animal population.  
27 If the owner or manager of the animal feeding operation  
28 alleges that the person is failing to comply with the standard  
29 biosecurity requirements, the person must leave the animal  
30 feeding operation at the request of the owner or manager.

31 (2) Subparagraph (1) does not apply if the department  
32 obtains a search warrant issued by a district court as provided  
33 in section 455B.103 that allows a departmental official to  
34 enter onto or remain on the premises of the animal feeding  
35 operation in compliance with standard biosecurity requirements

1 as particularly described in the warrant.

2 DIVISION IV

3 COUNTY DOCUMENTS

4 Sec. 6. Section 459.302, Code 2015, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 4. *a.* A county board of supervisors may  
7 adopt a document retention resolution that provides that the  
8 county is not required to accept the submission of a document  
9 or serve as the custodian of filed documents. The resolution  
10 shall apply to any of the following:

11 (1) Applications and supporting materials for permits to  
12 construct confinement feeding operation structures as provided  
13 in sections 459.303 and 459.304.

14 (2) Manure management plans as provided in section 459.312.

15 *b.* The board shall submit the resolution to the department  
16 and the department shall file the resolution if the resolution  
17 meets the requirements of paragraph "a" regardless of whether  
18 the department has filed a construction evaluation resolution  
19 pursuant to section 459.303. The board submitting a document  
20 retention resolution may destroy any archived document covered  
21 by the resolution on or after the date that the resolution is  
22 filed by the department.

23 *c.* If a document covered by a document retention resolution  
24 filed with the department is not available to the board on  
25 the department's internet site, the department, upon request  
26 by the board, shall transmit the document to the board. The  
27 county auditor or other county officer may request or accept  
28 the document on behalf of the board.

29 *d.* This subsection does not enlarge or restrict a duty or  
30 power of a county board of supervisors as provided in this  
31 chapter other than allowing for an election by such a board not  
32 to perform a ministerial function.

33 Sec. 7. Section 459.303, subsection 2, Code 2015, is amended  
34 to read as follows:

35 2. The department shall issue a construction permit upon

1 approval of an application. The department shall approve the  
2 application if the application is submitted to the county board  
3 of supervisors in the county where the proposed confinement  
4 feeding operation structure is to be located as required  
5 pursuant to section 459.304, and the application meets the  
6 requirements of this chapter. However, a board that files a  
7 document retention resolution with the department as provided  
8 in section 459.302 is not required to accept an application.  
9 If a county submits an approved recommendation pursuant to a  
10 construction evaluation resolution filed with the department,  
11 the application must also achieve a satisfactory rating  
12 produced by the master matrix used by the board or department  
13 under section 459.304. The department shall approve the  
14 application regardless of whether the applicant is required to  
15 be issued a construction permit.

16 Sec. 8. Section 459.304, subsection 1, Code 2015, is amended  
17 by adding the following new paragraph:

18 NEW PARAGRAPH. c. Notwithstanding paragraphs "a" and "b",  
19 a board that files a document retention resolution with the  
20 department as provided in section 459.302 is not required to  
21 accept an application.

22 Sec. 9. Section 459.312, subsection 4, paragraph b, Code  
23 2015, is amended to read as follows:

24 b. The manure management plan shall be filed with the  
25 county board of supervisors. The county auditor or other  
26 county officer may accept the manure management plan on behalf  
27 of the board. However, a county board of supervisors that  
28 files a document retention resolution with the department as  
29 provided in section 459.302 is not required to accept a manure  
30 management plan.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with  
33 the explanation's substance by the members of the general assembly.

34 GENERAL. This bill applies to animal feeding operations in  
35 which animals are confined and fed and maintained for 45 days

1 or more in any 12-month period, and specifically confinement  
2 feeding operations constructed under a roof that store liquid  
3 manure (Code chapter 459). The chapter is administered and  
4 enforced by the department of natural resources under the  
5 direction of the environmental protection commission.

6       MANURE MANAGEMENT PLANS. The bill provides that if the  
7 department prepares a public record stating that a person has  
8 failed to comply with the requirements for filing a manure  
9 management plan, it must indicate whether the noncompliance was  
10 due to an obvious mistake or oversight.

11       CERTIFIED MANURE APPLICATORS. The bill allows the  
12 department to require that a vehicle or tank used by a  
13 certified commercial manure service or certified commercial  
14 manure service representative transporting manure on a  
15 public road display a certification number as assigned by the  
16 department, but cannot require other information identifying  
17 the certified commercial manure service or the certified  
18 commercial manure service representative.

19       BIOSECURITY. The bill requires that when the owner or  
20 manager of an animal feeding operation alleges that a person  
21 who is a departmental official, an agent of the department, or  
22 a county employee fails to comply with biosecurity requirements  
23 during an inspection of an animal feeding operation or a  
24 construction site where an animal feeding operation exists,  
25 that person must leave the premises or site at the request  
26 of the owner or manager. However, this requirement does not  
27 apply to a department official who inspects an existing animal  
28 feeding operation pursuant to a search warrant issued by a  
29 district court which specifies the biosecurity requirements to  
30 be followed.

31       DOCUMENT RETENTION. The bill provides that a county board  
32 of supervisors may elect not to accept certain documents  
33 related to the regulation of animal feeding operations, and  
34 specifically confinement feeding operations. Specifically, the  
35 bill allows a county board of supervisors to adopt a resolution

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1 to forego receiving an application or related materials  
2 for a permit to construct a confinement feeding operation  
3 structure or a manure management plan governing the storage and  
4 application of manure from a confinement feeding operation.  
5 The board may request the department to transmit the document  
6 to the county if it is not available on the department's  
7 internet site.